



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

August 26, 2015

TECHNICAL STAFF REPORT

Petition Accepted on July 1, 2015

Hearing Authority Hearing of September 10, 2015

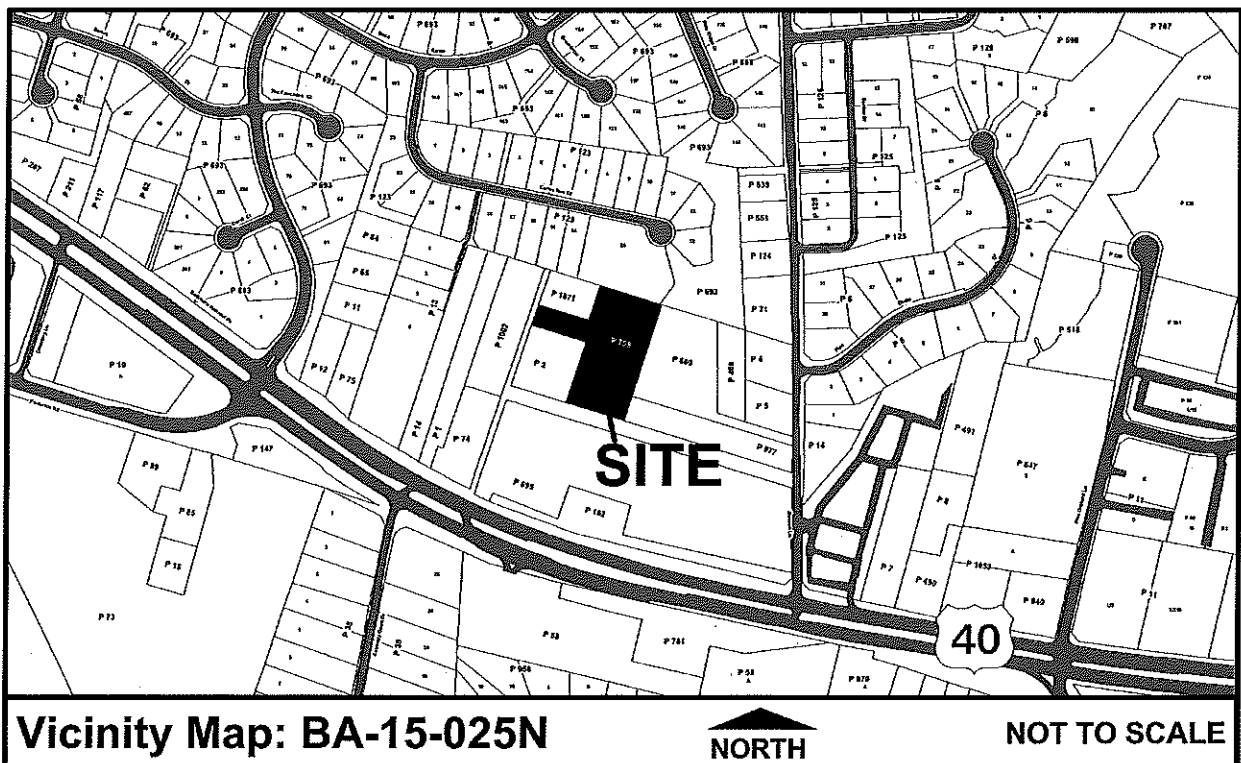
Case No./Petitioner: BA 15-025N – TSZ Properties, LLC

Request: Enlargement of a confirmed Nonconforming Use for a Religious Facility to add a detached garage and an associated driveway and parking.

Location: Second Election District
East side of a private driveway, approximately 380 feet north of US 40
Tax Map 24, Grid 1, Parcel 758; 10380 Baltimore National Pike
(the "Property").

Area of Site: 2.36 acres

Zoning: R-20 (Residential: Single)



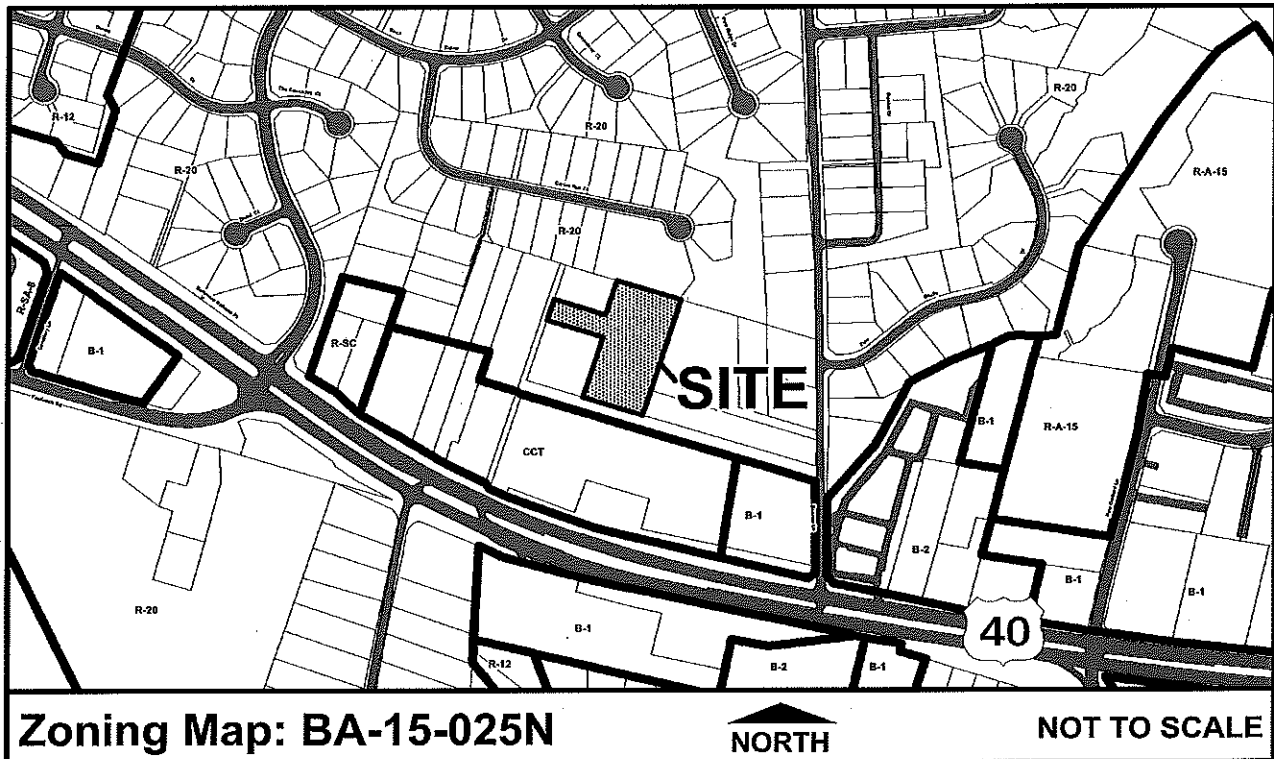
I. NONCONFORMING USE PROPOSAL

The Property is the site of the Church of the Brethren religious facility (the "Church"), which was established on the Property in the early 1960s when such a use was permitted as a matter of right in the R-20 District. In 2000, the Church was confirmed as a Nonconforming Use in Nonconforming Use Case NCU 00-02. Earlier this year, the Petitioner requested that the Church be approved as a Conditional Use in BA 14-039C, and included in that request was a proposal for a new garage/storage building of approximately 2,600 square feet, to be located approximately 100 feet to the north of the Church, and some associated parking spaces. On May 12, 2015, BA 14-039C was granted with certain conditions related to the height and use of the garage, and also concerning the current access which is shared with an adjoining residential lot. On June 15, 2015, the Petitioner submitted this case, BA 15-025N, which requests approval for the same improvements in BA 14-039C, but as an enlargement of a Nonconforming Use rather than a Conditional Use.

II. BACKGROUND INFORMATION

A. Site Description

The Property is currently T-shaped, but as noted on the plan, the Property will be proposed to be subdivided to remove a narrow area of the Property to the west of the Church. The Church is also T-shaped and is located approximately 79 feet from the south lot line. To the east of the church, across a front lawn, is a parking lot along the driveway, and the driveway extends to the north and northwest to a gravel area. Except for trees along the perimeters, the Property is mostly an open lawn. From the areas around the Church, the Property slopes down approximately 30 feet to the northeast corner.



II. BACKGROUND INFORMATION

B. Vicinal Properties

Except for the property to the south, all other adjacent properties are also zoned R-20. The property to the north is an Open Space Lot 26 of the Carlee Manor subdivision which is the site of a stormwater management facility. Adjoining the east side of the Property is Parcel 609, which is improved with a single-family detached dwelling and a detached garage. To the south of the Property, across a 50 foot wide easement, is Parcel 695, which is zoned CCT and is the site of a possibly nonconforming contractors office and storage yard. Adjoining the west side of the Property are Parcel 1071, which is improved with a single-family detached dwelling, and Parcel 2, which is improved with a single-family detached dwelling and a detached garage.

C. Roads

The unnamed private driveway from US 40 is approximately 15 feet wide. Another unnamed private driveway on the east side of the unnamed private driveway from US 40 has a similar width, and extends east within a 50 foot easement, curving north into the Property. There is no traffic volume information for these private driveways, and sight distance is not an issue along these local roads.

D. Water and Sewer Service

The Property is in the Metropolitan District and is within the Existing Service Area according to the Howard County Geographic Information System maps.

E. General Plan

The Property is designated Established Communities on the Designated Place Types Map of the PlanHoward 2030 General Plan, and is designated Institutional on the Land Use Map.

The private driveways are depicted as Local Roads on the Transportation Map of the PlanHoward 2030 General Plan.

F. Agency Comments

See attached comments on the proposal from the following agency:

1. Department of Inspections, Licenses and Permits
2. Department of Fire and Rescue Services
3. Bureau of Environmental Health

The following agencies had no objections to the proposal:

1. State Highway Administration
2. Department of Recreation & Parks

G. Adequate Public Facilities Ordinance

The petition is subject to the Adequate Public Facilities Ordinance only if it is determined that a Site Development Plan is necessary for the new building. Such a Site Development Plan would be subject to the requirement to pass the test for adequate road facilities unless it is determined that the revised facility would not generate additional traffic.

III. ZONING HISTORY

- A. Case No. BA 14-039C
Petitioner: TSZ Properties, LLC
Request: Conditional Use for Structures Used Primarily for Religious Activities for an existing nonconforming religious facility, a proposed new garage/storage building, and site revisions.
Action: Granted May 12, 2015
- B. Case No. NCU 00-02
Petitioner: Mid Atlantic District Church of the Brethren
Request: Confirmation of a Nonconforming Use for an existing religious facility.
Action: Granted August 31, 2000

IV. EVALUATION AND CONCLUSIONS

- A. Evaluation of petition according to Section 129.0.A of the Zoning Regulations. (General provisions for Nonconforming Uses)

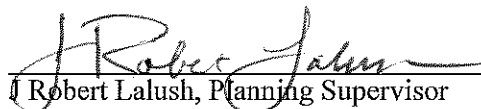
Section 129.0.A of the Zoning Regulations defines a Nonconforming Use as follows; "A nonconforming use is any lawful existing use, whether of a structure or a tract of land, which does not conform to the use regulations of the zoning district in which it is located, either on the effective date of these regulations or as a result of any subsequent amendment thereto."

The Petitioner requests an enlargement of a Nonconforming Use for the garage and parking spaces, however, as of May 12, 2015 with the approval of the Conditional Use in BA 14-039C, the religious facility was no longer a Nonconforming Use. In the R-20 District, religious facilities are permitted with Conditional Use approval, so upon such an approval the Church conformed "...to the use regulations of the zoning district in which it is located." Therefore, approval of the garage and parking spaces as an enlargement to a Nonconforming use cannot be granted because the Church is no longer a Nonconforming Use.


V. RECOMMENDATION

For the reasons stated above, the Department of Planning and Zoning recommends that the request for an enlargement of a confirmed Nonconforming Use for a Religious Facility to add a detached garage and an associated driveway and parking be **DISMISSED**.

Report Drafted By:

 8/25/15
Robert Lalush, Planning Supervisor Date

Approved by:

 8-25-15
Valdis Lazdins, Director Date

NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.

MEMO TO: Department of Planning and Zoning

FROM: Department of Inspections, Licenses and Permits

Petition No.: **BA 15-025N** Date Due: **8/16/2015** Date Rec'd: **7/13/2015**

Tax Map No.: **24** Block: **1** Parcel: **758**

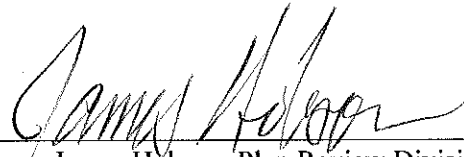
Applicant: **TSZ Properties, LLC**

Location/Address: **10380 Baltimore National Pike, Ellicott City, MD 21042**

Nature of Petition: **Enlargement of church structure**

Approved, subject to the following advisory comments:

The Department of Inspections, Licenses and Permits will support the requirement for a site development plan which would show how the proposed building will be handicap accessible as required by the Maryland Accessibility Code.



James Hobson, Plan Review Division
Department of Inspections, Licenses and Permits

AUG 18 2015



HOWARD COUNTY DEPARTMENT OF FIRE AND RESCUE SERVICES

6751 Columbia Gateway Drive, Suite 400, Columbia, Maryland 21046
410-313-6000

JOHN S. BUTLER, FIRE CHIEF • ALLAN H. KITTLEMAN, COUNTY EXECUTIVE

SUBJECT: BA-15-025N TSZ PROPERTIES

TO : Chad Edmondson
Planning and Zoning, Engineering
FROM: Assistant Chief Daniel Merson *[Signature]*
Office of the Fire Marshal
DATE: JULY 27, 2015

Howard County Fire and Rescue submits the following comments for your appropriate action:

The Fire Department has no objections to the proposal subject to the building used as a garage. If the building is used for any other means this office needs to be contacted for fire code requirements.

JRL

Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments

Date: July 10, 2015

Hearing Examiner 9/10/15

Planning Board _____ Board of Appeals _____ Zoning Board _____

Petition No. BA 15-025N Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: _____ TSZ Properties, LLC

Petitioner's Address: _____

Address of Property: _____

Return Comments by August 16, 2015 to Public Service and Zoning Administration

Owner: (if other than applicant) _____

Owner's Address: _____

Petition: SEE APPLICATION

To: _____ MD Department of Education – Office of Child Care
3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)
✓ _____ Bureau of Environmental Health
_____ Development Engineering Division
_____ Department of Inspections, Licenses and Permits
_____ Department of Recreation and Parks
_____ Department of Fire and Rescue Services
~~JUL 28 2015~~ _____ State Highway Administration
_____ Sgt. Karen Shinham, Howard County Police Dept.
_____ James Irvin, Department of Public Works
_____ Office on Aging, Terri Hansen (senior assisted living)
_____ Police Dept., Animal Control, Deborah Baracco, (kennels)
JUL 27 2015 _____ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)
_____ Land Development - (Religious Facility & Age-Restricted
Adult Housing)
_____ Housing and Community Development
_____ Economic Development
_____ Route 1 Cases – DCCP – Dace Blaumanis
_____ Telecommunication Towers – Josh Levy (Comm. Dept.)

COMMENTS:

Prior to Health Department approval of the building
permit, the owner has to connect to public water
& sewer plus properly abandon the well & septic
system & provide documentation of this.

Hank Oswald 7/27/15
SIGNATURE